

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

DOCKET NO. 3:11-cv-00516-FDW-DSC

TERRY A. HARRIS,

Plaintiff,

vs.

**CHARLOTTE-MECKLENBURG
SCHOOLS,**

and

**CHARLOTTE-MECKLENBURG
SCHOOLS POLICE DEPARTMENT,**

Defendants.

ORDER

THIS MATTER is before the Court *sua sponte* on the pending motion for lack of subject-matter jurisdiction before the Court. After thorough review of the parties pleadings, it appears that some of the dates used by the parties¹ and this Court (see Order 2, Doc. No. 7) are incorrect. There may have been as many as thirteen months between dismissal of charges and the lifting of the ban, not less than one month as previously indicated in the pleadings.²

¹The dates given in Plaintiff's complaint (Compl. 3, Doc. No. 1) and subsequently used by Defendants in their first motion to dismiss (Mem. Mot. Dismiss 2, Doc. No. 7-1) appear to reference the wrong year.

²The Court believes the following dates may be correct:

<u>DATE</u>	<u>Event</u>
September 25, 2010:	Plaintiff arrested and charged with two sex crimes in Mecklenburg County. (<u>See</u> Resp. Mot. Dismiss 4, Doc. No. 9; Attach. 7, Doc. No. 9-1).
September 27, 2010	CMS issued letter informing Mr. Harris of ban. (Resp. Mot. Dismiss Attach. 7, Doc. No. 9-1).
October 18, 2010 (est):	Prosecution declined to indict Mr. Harris. (Sur Reply Ex. 1, Doc. No. 11-1)
November 15, 2011:	CMS voluntarily lifted ban on Mr. Harris. (Resp. Mot. Dismiss 4, Doc. No. 9)

The Court hereby ORDERS the parties to submit supplemental pleadings addressing the follow issues:

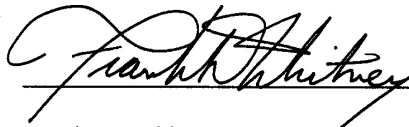
1) are the dates previously used incorrect and, if so, are the dates the Court sets forth in footnote 2 accurate; and,

2) if the dates set forth in footnote 2 are accurate, on what basis did Defendant Charlotte Mecklenburg Schools (“CMS”) ban the Plaintiff (“Mr. Harris”) from the school bus stop for approximately thirteen (13) months after the charges against Plaintiff were dismissed.

THEREFORE, the parties shall file briefs no longer than **1,000** words by **noon on Friday, November 3, 2012** along with any supporting evidence attached thereto.

IT IS SO ORDERED.

Signed: October 19, 2012

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
United States District Judge

